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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

CASE NO.: 22SC183572

DEAMONTE KENDRICK,
JEFFREY WILLIAMS,
KAHLIEFF ADAMS,
RODALIUS RYAN,
SHANNON STILLWELL,
QUAMARVIOUS NICHOLS,
MARQUAVIUS HUEY,

Defendants.

ORDER ON MOTIONS TO RECUSE JUDGE GLANVILLE

This case is before the Court to consider various motions to recuse, including:

1. Defendant Deamonte Kendrick's Motion to Recuse Chief Judge Ural Glanville, filed on June 12, 2024 (Kendrick Dkt. 247);
2. Kayla Bumpus' Motion to Quash the Show Cause Order and/or to Recuse Judge Glanville (Adams Dkt. 171); and
3. Defendant Jeffrey Williams' Motion to Disqualify/Recuse Judge Glanville from All Further Dealings in the Above-Referenced Case and Amended Supplement. (Williams Dkt. 587, 611).¹

The specific facts necessary to determine these recusal motions are well-documented in affidavits, court filings, certified transcripts, and video recordings available on YouTube. Having considered the record evidence and applicable case law, the Court finds as follows:

¹ This Court previously considered and denied Defendant Kendrick's Motion to Disqualify Fulton County Superior Court Judges from Ruling on Recusal Motion (Kendrick Dkt. 260) and the portion of Defendant Williams' Amended Supplement that sought this Court's recusal. (Williams Dkt. 612)

Findings of Fact

These recusal motions arise out of a multi-defendant prosecution brought by the Fulton County District Attorney's Office, alleging gang activity and associated crimes. (Kendrick Dkt. 4) Although there were 28 defendants named in the indictment, only six were being tried as of June 7, 2024.² The Motions to recuse all arise from the same circumstances related to State's witness, Kenneth Copeland.

On June 7, 2024, the State intended to call Kenneth Copeland to testify.³ Prior to his testimony, counsel for Mr. Copeland, Jonathan Melnick, appeared and indicated, in open court, that Mr. Copeland did not wish to testify and intended to invoke his Fifth Amendment privilege against self-incrimination. Judge Glanville brought Mr. Copeland into court and discussed with him the effect of an immunity order Judge Glanville had entered that granted immunity to Mr. Copeland. Judge Glanville specifically advised Mr. Copeland that, if he invoked the Fifth Amendment and refused to testify, the State would ask for Copeland to be held in contempt and jailed. Judge Glanville also advised that, if asked, Judge Glanville would jail Mr. Copeland for refusing to testify.

After that discussion, Mr. Copeland spoke to his attorney and then indicated he would testify. Once called, Mr. Copeland was asked to specify his age and, instead of answering, he stated, "I plead the Fifth." Judge Glanville excused the jury, and

² Kahlieff Adams' case was severed, and, though he is not currently on trial, his case was transferred to this Court because Kayla Bumpus' Motion to Recuse Judge Glanville, in association with the show cause and contempt issue was filed in Mr. Adams' portion of the docket. (Adams Dkt. 171)

³ See Certified Transcript of June 7, 2024. (Williams Dkt. 605)

then advised Mr. Copeland, in open court, that he was in contempt and ordered him jailed until Monday, June 10, 2024, at which time Judge Glanville told Mr. Copeland they would revisit Mr. Copeland's willingness to testify. Mr. Melnick spoke to Mr. Copeland and then reiterated to the Court that Mr. Copeland still intended to invoke his Fifth Amendment right if called as a witness. Judge Glanville indicated he would revisit the issue with Mr. Copeland on Monday, June 10, 2024, at 8:30 a.m., and Court was adjourned for the day.

On June 10, 2024, at approximately 9:10 a.m., Judge Glanville met with counsel for the State, Adriane Love, and stand-in counsel for Mr. Copeland, Kayla Bumpus.⁴ The meeting took place in Judge Glanville's chambers. Counsel for the trial Defendants did not participate in the meeting and were not aware that the meeting was taking place. The transcript reflects that Ms. Love told Judge Glanville that she wanted the meeting to both impress upon Mr. Copeland the risks of refusing to testify and allow Mr. Copeland to ask questions before he testified. Ms. Love also expressed concerns to Judge Glanville about Mr. Copeland's representation. Ms. Bumpus, Ms. Love, and Judge Glanville also discussed the scope and effect of the State's grant of immunity to Mr. Copeland.

Mr. Copeland was then brought to Judge Glanville's chambers, where he spoke with and asked questions of Ms. Bumpus, Judge Glanville, and Simone Hylton,

⁴ Two investigators from the D.A.'s Office and multiple deputies were also present, as well as one or more members of Judge Glanville's staff, including his Court reporter, who took down the conference. The certified transcript was filed into the record on July 1, 2024. (Williams Dkt. 598)

counsel for the State who had joined the meeting. During that time, the State advised Mr. Copeland that he could remain in custody until the conclusion of the trials of all Defendants in the case – not just the six currently on trial. Judge Glanville discussed O.C.G.A. § 24-5-507 with Mr. Copeland and his rights and responsibilities after a grant of immunity. Mr. Copeland spoke privately with his stand-in counsel, Ms. Bumpus, and then advised the Court that he would testify.

After the meeting and immediately before Mr. Copeland was brought out to testify, Defendant Williams' lawyer, Brian Steel, advised the Court that he was aware of the in-chambers meeting that morning. Mr. Steel objected to the *ex parte* meeting, and a lengthy colloquy occurred between Mr. Steel and Judge Glanville, in which Judge Glanville inquired how Mr. Steel became aware of the chambers meeting. Mr. Steel declined to reveal the source of his information, and Judge Glanville held him in contempt, though Mr. Steel was allowed to remain in the courtroom on behalf of his client, Defendant Williams. Ultimately, Kenneth Copeland did testify on June 10, 2024, and was later released from custody.

The next day, Judge Glanville issued a Show Cause Order requiring everyone present at the *ex parte* meeting to appear and show cause as to why they should not be held in contempt for disclosing information about the *ex parte* meeting to defense counsel. (Kendrick Dkt. 245) An amended show cause order was later entered setting July 1, 2024, for an *in camera* review of the transcript of the *ex parte* meeting.

The first motion to recuse followed, filed by Deamonte Kendrick, on June 12, 2024.⁵ (Kendrick Dkt. 247) Mr. Kendrick’s motion seeks to recuse Judge Glanville for his involvement in the allegedly improper and coercive *ex parte* meeting with the State. On June 14, 2024, Judge Glanville denied the motion. Judge Glanville determined the recusal motion was timely, supported by an affidavit, and “on a cursory review” “contains assertions of fact to support the allegations of bias and [p]artiality.” (Adams Dkt. 247, p.7) However, Judge Glanville ultimately determined that because “there was no way to verify” the “veracity” of the information contained in the affidavit and there was “no actual evidence” of “the extent of the discussion” during the in-chambers meeting, the affidavit was legally insufficient and the motion to recuse did not require referral to another judge for consideration. *Id.*

On June 14, 2024, Kayla Bumpus then filed a Motion to Quash the Show Cause Order and/or to Recuse Judge Glanville from presiding over any contempt action against Ms. Bumpus resulting from alleged disclosure of the *ex parte* meeting.⁶ On June 17, 2024, Jeffrey Williams filed his motion to recuse Judge Glanville. (Williams Dkt. 587) Divorced from its hyperbole, Mr. Williams’ motion and supplement also seek to recuse Judge Glanville because of his involvement in the *ex parte* meeting, which Mr. Williams also alleges was improper and coercive. Mr. Williams’ motion

⁵ Technically, Mr. Steel’s counsel moved to recuse Judge Glanville from further handling of the contempt action during the June 10 proceedings. However, that motion was made orally, and it is not before this Court because Mr. Steel’s contempt matter is currently pending before the Supreme Court. (Williams Dkt. 614)

⁶ Although referred to this Court for consideration, Bumpus’ Motion to Recuse is both premature and moot because Ms. Bumpus has not yet been held in contempt and because, on July 1, Judge Glanville cancelled the show cause hearing.

alleges both actual bias and the appearance of bias because Judge Glanville allegedly participated in the accusatory process when he met with Mr. Copeland and Judge Glanville became “embroiled in a controversy” when he held Mr. Williams’ lawyer, Brian Steel, in contempt.

On July 1, 2024, the day appointed for the parties to review a redacted transcript of the *ex parte* meeting, Judge Glanville announced that he was releasing the entirety of the transcript of the *ex parte* meeting and was taking “judicial notice” of and making a record regarding certain matters associated with the *ex parte* meeting. Most of what Judge Glanville relayed was a collation of record evidence about the recent circumstances in the case. Judge Glanville also explained how he became aware of the State’s request for an *ex parte* meeting. In addressing the circumstances of the contempt against Mr. Steel, Judge Glanville explained the Court’s purpose and concern in pursuing information about the security and confidentiality of his chambers.

Judge Glanville advised that he had not instigated an investigation into surveillance footage but had reviewed such footage for timeline and security. Judge Glanville then explained his view that the *ex parte* meeting was proper under Georgia law and outlined relevant law that supported his inherent authority to hold such a meeting. Judge Glanville maintained that no one gained a tactical advantage as a result of the *ex parte* nature of the meeting. Judge Glanville also questioned Defendants’ right to be present at the *ex parte* meeting because the issue under discussion was between the State and a witness, who was represented by counsel.

After making this record, Judge Glanville announced that the Show Cause hearing was cancelled and that the recusal motions filed by Mr. Kendrick, Mr. Williams, and Ms. Bumpus were being referred for consideration by another judge in accordance with Uniform Superior Court Rule 25.1 through 25.7. The motions to recuse were then assigned to this Court for consideration.

Legal Framework

Motions to recuse are governed by a specific legal framework outlined in Rule 25 of the Uniform Rules of Superior Court. A party seeking recusal must file a timely motion, supported by an affidavit “clearly stat[ing] the facts and reasons for the belief that bias or prejudice exists.” U.S.C.R. 25.1, 25.2. The affidavit must be “definite and specific” and describe

circumstances of extra-judicial conduct or statements, which demonstrate either bias in favor of any adverse party, or prejudice toward the moving party in particular, or a systematic pattern of prejudicial conduct toward persons similarly situated to the moving party, which would influence the judge and impede or prevent impartiality in that action.

U.S.C.R. 25.2. Bare conclusions and opinions are “not legally sufficient to support the motion or warrant further proceedings.” *Id.*

Once such a motion is filed, it is the duty of the assigned judge to “temporarily cease to act upon the merits of the matter” and assess the timeliness and legal sufficiency of the affidavit and alleged facts. U.S.C.R. 25.3. “If all three criteria are met” – i.e., the motion is timely, supported by an affidavit, and the facts alleged might warrant recusal – “another judge shall be assigned to hear the motion to recuse.” *Id.* When considering a motion to recuse, the assigned judge should be guided by Rule

2.11 of the revised Code of Judicial Conduct, which provides that “judges shall disqualify themselves in any proceeding in which their impartiality might reasonably be questioned...” *A & M Hosps., LLC v. Alimchandani*, 363 Ga. App. 531, 541–42 (2022). The standard is objective – from the perspective of a reasonable, fair-minded, and impartial person, rather than the affected judge or other interested parties. *Id.*

If a motion to recuse satisfies the three threshold criteria, the assigned judge “must refer the motion for reassignment” and may not “oppose the motion.” *Mondy v. Magnolia Advanced Materials, Inc.*, 303 Ga. 764, 768 (2018). “The judge whose recusal is sought may not respond to the motion or attempt to refute the allegations, which stand denied automatically, no matter how false or even defamatory the judge might know or perceive the allegations to be.” *Post v. State*, 298 Ga. 241, 244–45 (2015). “A judge cannot become actively involved in presenting evidence or argument against a motion seeking his recusal without that defense itself becoming a basis for recusal.” *Id.* at 257 (*citing Isaacs v. State*, 257 Ga. 126, 127-28 (1987)).

A judge has no interest in sitting on a particular case; at most, his interest lies in protecting his own reputation. His efforts at defending himself against a motion to recuse will inevitably create an appearance of partiality. One reason is that if he defends himself he becomes an adversary of the movant for recusal. This adversarial posture may create an antipathy which persists after the motion to recuse is denied.

Id. at 258; *see also A & M Hosps., LLC*, 363 Ga. App. at 542–43 (*quoting Post*, 298 Ga. at 257).⁷

⁷ See also Richard E. Flamm, *Judicial Disqualification: Recusal and Disqualification of Judges* § 15.7, at 435 (2d ed. 2007) (“a judge who personally refutes a party’s allegations of judicial bias ... may appear to a reasonable person to have exhibited a personal interest in the outcome of the litigation, or to have aligned himself with the

Analysis and Discussion

Here, Judge Glanville had previously announced on the record that the motions were timely and supported by an affidavit. In transferring the cases to another judge for consideration, Judge Glanville necessarily determined that the third criteria was satisfied – i.e., that recusal might be authorized if the facts alleged in the motion were assumed true. Therefore, Judge Glanville was required to refer the motion for reassignment and was prohibited from opposing the motion.

It is worth noting that this Court agrees generally with Judge Glanville’s assessment of the propriety of the *ex parte* meeting. While the meeting could have – and perhaps should have – taken place in open court, nothing about the fact of the meeting or the substance discussed was inherently improper. However, in his order denying Defendant Kendrick’s motion and in the process of making his record on July 1, 2024, Judge Glanville added facts, provided context, questioned the veracity of allegations, and otherwise explained his decisions and actions and argued why those actions were proper.

While it “may be appropriate for the judge to disclose information relevant to his potential recusal,” such a “disclosure must be made in a way that is as objective, dispassionate, and non-argumentative as possible, so that the judge is not reasonably perceived as a hostile witness or advocate.” *Post*, 298 Ga. at 257. In presenting his record as to the recusal issues and in ruling on Kendrick’s motion, Judge Glanville

party resisting the judge’s disqualification,” and “by attempting to refute a charge of bias, a judge may become—or appear to have become—an adversary of the party seeking his disqualification”).

“evaluated and accepted the truth of his own factual allegations, mandating his recusal.” *A & M Hosps., LLC*, 363 Ga. App. at 542.

This Court has no doubt that Judge Glanville can and would continue presiding fairly over this matter if the recusal motions were denied,⁸ but the “necessity of preserving the public’s confidence in the judicial system” weighs in favor of excusing Judge Glanville from further handling of this case.⁹

Based on the foregoing, this Court hereby orders as follows:

1. Defendant Deamonte Kendrick’s Motion to Recuse Chief Judge Ural Glanville is GRANTED.
2. Kayla Bumpus’ Motion to Quash the Show Cause Order and/or to Recuse Judge Glanville is DENIED as moot.
3. Defendant Jeffrey Williams’ Motion to Disqualify/Recuse Judge Glanville from All Further Dealings in the Above-Referenced Case, as amended and supplemented, is GRANTED.
4. The Clerk of Court SHALL reassign this case using the Court’s case assignment procedures.

IT IS SO ORDERED, this 15th day of July, 2024.



The Honorable Rachel Krause
Fulton County Superior Court
Atlanta Judicial Circuit

Filed and served via eFileGA.

⁸ *See Post v. State*, 298 Ga. 241, 258 (2015) (“a judge who actively resists recusal may be fully capable of evenhandedly presiding if the motion is denied”); *Isaacs*, 257 Ga. at 127.

⁹ *Isaacs*, 257 Ga. at 128.